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IV2337748

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INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV2337748

SUBJECT(S):	**Rachel Levy, Deputy #[redacted]**
STATION/UNIT/BUREAU:	**South Los Angeles Sheriff's Station Central Patrol Division**
DATE/TIME/DAY:	**July 12, 2013, 1320 hours, Friday**
LOCATION:	**Desoto Avenue / Victory Boulevard, Canoga Park, CA 91304**

<u>SYNOPSIS:</u>

This case originated from a traffic collision that the Los Angeles Police Department responded to on July 12, 2013. The collision occurred on the corner on De Soto Avenue and Victory Boulevard in Canoga Park and it involved Deputy Rachel Levy, who was rear ended by the other driver. Following the collision, Deputy Levy exited her car and identified herself as a peace officer to the occupants of the other car involved in the collision. During this exchange, Deputy Levy used profanity and slapped the driver of the other vehicle without provocation. Deputy Levy is currently relieved of duty due to an administrative investigation and has been reassigned to Sheriff's Communication Center. Due to the allegation of battery by the other motorist, Los Angeles Police personnel asked Deputy Levy to notify her supervisors of the incident. Sergeant Richard Conley #[redacted], South Los Angeles Sheriff's Station responded to the location.

An Internal Affairs investigation into the allegation was requested by Captain Eliezer Vera, South Los Angeles Sheriff's Station.

<u>ADMINISTRATIVE INVESTIGATION:</u>

> **<u>IAB Note:</u>** Los Angeles Police Department documented this battery incident under file number 1321-12649. For further details regarding this report, refer to **Exhibit A, Battery report.**

> **<u>IAB Note:</u>** On the date of the incident, Sergeant Richard Conley responded to the location and conducted video interviews of the driver Witness [redacted] and the passenger Witness [redacted]

He also documented on video, damage to both vehicles involved. For further details regarding these videos, refer to **Exhibit B,** three digital video discs, **DVD's containing interviews.**

On Monday, July 15, 2013, Lieutenant Dominic Valencia of the Internal Affairs Bureau responded to the location of the collision in an attempt to locate any witnesses to the incident. None were found. He photographed the intersection as well as potential fixed cameras that may have captured the incident.

IAB Note: For further details regarding these photographs, refer to **Exhibit C**, Compact Disc, **CD containing photographs** of intersection.

WITNESS INTERVIEWS:

Witness [redacted]

Witness [redacted], was interviewed on video on July 12, 2013, by Sergeant Richard Connely, South Los Angeles Sheriff's Station. The interview took place on the south west corner of Desoto Avenue and Victory Boulevard, Canoga Park. The following is a summary of the interview:

IAB Note: The interview of Witness [redacted] was not transcribed. For further details regarding the 15 minute video interview, refer to **Exhibit B, video interview of Witness [redacted]**

Witness [redacted] said he was traveling north on De Soto Avenue, approaching Victory Boulevard and entered the left turning lane. He positioned his car behind Subject Levy's car, which was also on the left turning lane.

As he waited in his car, he noticed Subject Levy exit her car very quickly and took photographs of his and her car. He wondered if he hit her car but was not sure if his car in fact hit her car. He asked his [redacted] and passenger, Witness [redacted] if he hit her car. Witness [redacted] told him it looked like he hit her car. He exited his car and said to her, "I'm sorry Ma'am, did I touch your car?" She started to yell profanities at him and he told her that even if he touched her car she did not have to speak to him that way and she told him to, "shut the fuck up." She told him that she is a police officer.

Subject Levy demanded his driver's license and he told her that she needed to provide him with her driver's license also. He told her she did not need to speak to him in such a manner.

Witness [redacted] said that Subject Levy told him he did not have a driver's license or insurance at which time he told her he did not hit her car. Subject Levy told him he damaged her brand new car.

During this discussion, Witness [redacted] noticed that Subject Levy's driver's side door was left open and there was southbound, on-coming traffic approaching them. In order to avoid any collision, he stepped toward the side of her car and closed her driver's door. He told her he did not want another accident to occur.

Subject Levy told him to "shut the fuck up" and slapped his right side of the face, possibly with her right hand. He was unsure if her hand was open or closed. She then struck his chest with her right palm.

Witness [redacted] asked her why did she hit him and told her that they should get out of the street. Subject Levy told him she was calling 911 and appeared as though she spoke to someone on her cellular telephone.

She continued to yell at him saying, "Give me your fucking license. Give me your fucking insurance. Who let you drive the car without insurance and without a license? You don't have anything."

Witness [redacted] told her that even if he did hit her car, he could fix her car and she told him he did not have the money to fix her car. He said he was confused and placed his hands behind his back and did not want to touch her. He asked Witness [redacted] to call the police because she did not understand what he was telling her.

Witness [redacted] asked Subject Levy why she hit Witness [redacted] and she told him that it was not his business. She told Witness [redacted] to shut up and he also told her to shut up.

Witness [redacted] went into his car and was going to call the police as he was gathering his insurance papers, when he saw a police officer arrive.

Subject Levy immediately began to tell the police officer that Witness [redacted] hit her car.

He said the police officer told her to wait inside her car and approached Witness [redacted] to ask him what happened.

Witness [redacted] concluded by describing that he was emotionally hurt as he was hit by a lady. He said, "Someone Slaps you, it's not okay for you. You're going to broke your heart is going to broke."

Witness [redacted] provided a written statement, which was attached to the Los Angeles Police report, **Exhibit A** (File 1321-12649).

> **IAB Note:** This written statement was written in Farsi. It was translated by Arezoo Gharib #[redacted], Registered Nurse I, Medical Services Bureau, [redacted] Ms. Gharib provided a copy of the Los Angeles County Language Proficiency Certificate. For further details regarding this certificate, and the English translation of this statement refer to **Exhibit D, Language Proficiency Certificate and Translated Statement.**
>
> The Following is the written statement by Witness [redacted], as it was translated by Ms. Gharib:

First I saw the car in front of me slammed on its brakes hard, my speed was slow since I wanted to turn left. I hit the car in front of me so slowly that I didn't even realize I had hit it. At that moment a young female got out of the car in front of me and started to yell and cursed bad words and asked me for my ID and insurance and therefore I also asked her for her information which she yelled, "I am a police officer" and slapped me once and again right away slapped me harder on left side of my face so hard my face hurt badly and again in my chest. I told her this is an accident why are you slapping me? When police arrived they stopped her from continuing to hit me and exchanged our information, it's to be mentioned neither me nor my [redacted] told her any curse words and just told her this is not a big accident why do you want to waste our time over this incident.

Witness [redacted]:

Witness [redacted], was interviewed on video on July 12, 2013, by Sergeant Richard Connely, South Los Angeles Sheriff's Station. The interview took place on the south west corner of Desoto Avenue and Victory Boulevard, Canoga Park. The following is a summary of the interview:

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

> **IAB Note:** The interview of Witness [redacted] was not transcribed due to his poor English speaking ability and may not be fully audible. For further details regarding the 6 minute video interview, refer to **Exhibit B, video interview of Witness [redacted].**

Witness [redacted] said he was the passenger of Witness [redacted]. He said Witness [redacted] "touched" Subject Levy's car with his car from behind.

Subject Levy exited her car and was very angry as she approached them. She said, "You fucked up my car. It's a brand new car."

Witness [redacted] told her to calm down and that nothing happened. The two told Subject Levy that they would take care of her.

Witness [redacted] told Subject Levy that they have a shop nearby and that they would fix her car. She told him to shut up and that they had no money to pay for the damage. She added that she was a police officer as she continued to say they had no money. As the three stood outside of their cars and on the street, Witness [redacted] stepped toward the driver's side of Subject Levy's car and closed her car door in order to avoid any on-coming traffic from hitting her car. He said, "I don't want another accident."

Subject Levy became very angry and told Witness [redacted] to shut up and to not touch her car. She slapped Witness [redacted] on his face with her open right hand and pushed his chest with her open hand.

Witness [redacted] told Subject Levy that she could not hit people. Witness [redacted] did not hit Subject Levy. Moments later, a police officer arrived and separated everyone.

Witness [redacted] provided a written statement, which was attached to the Los Angeles Police report, **Exhibit A** (File 1321-12649).

> **IAB Note:** This written statement was written in Farsi. It was translated by Arezoo Gharib #[redacted] Registered Nurse I, Medical Services Bureau, [redacted] For further details regarding the written translated statement, refer to **Exhibit D, Translated statement.**

The Following is the written statement by Witness [redacted] as it was translated by Ms. Ghareb:

I am [redacted], and [redacted] to [redacted] On Victory Street and Desoto my [redacted] at 3 miles an hour speed hit the Kia car in front of him. Driver of the car was an angry female who was yelling loud I am police. "Do you have money? Do you have ID? Do you have Insurance?" My [redacted] told her to calm down where she replied I am a police officer and two times hit my [redacted] in face and chest and repeated she was a police officer herself. A minute later police arrived and got our information.

[redacted]

Witness [redacted], Police Officer, Los Angeles Police Department, was interviewed on August 1, 2013, at the Los Angeles Police Department, Topanga Station. This interview took place in an interview room in Detective Bureau and was audio recorded. The following is a summary of the interview:

Witness [redacted] said she and her partner, Witness [redacted], were working together on July 12, 2013. They received a request from their Field Sergeant, Witness [redacted] to meet him at the corner of Victory Boulevard and De Soto Avenue in regards to an argument between motorists.

Upon her arrival, the two vehicles involved in a collision had already been moved away from traffic and parked south bound on the west side of De Soto Avenue, south of Victory Boulevard. Subject Levy was seated inside of her car as Witnesses [redacted] and [redacted] sat in their car.

Witness [redacted] explained that he had been flagged down due to three people arguing in the middle of the intersection. He told Witness [redacted] that when he approached them, Subject Levy identified herself as a Sheriff's Deputy.

Witness [redacted] said that the [redacted] told him that Subject Levy slapped Witness [redacted] He told her that he asked Subject Levy to contact her supervisor.

Witness [redacted] said Witness [redacted] said that when he initially contacted Witness [redacted] and asked for a driver's license, Witness [redacted] said he did not have one.

Witness [redacted] spoke to Witnesses [redacted] and [redacted], individually and separate from one another. She said the two witnesses had already been in the car alone for a while before she arrived.

Witness [redacted] asked Witness [redacted] for a driver's license, at which time he provided her with a driver's license. She conducted a check of this driver's license in the Department of Motor Vehicle's driver's history and it revealed that the driver's license was suspended.

Witness [redacted] told her Subject Levy yelled at him after having been involved in a traffic accident, that she is a police officer and was not very nice to him. Witness [redacted] referred to Subject Levy as "Police."

Witness [redacted] explained to Witness [redacted] that he was driving his car and that his [redacted] Witness [redacted] was his passenger.

He came to the intersection north on De Soto Avenue and turned onto the left (Westbound) turning lane toward Victory Boulevard. He was stopped behind Subject Levy and was unsure if his car struck Subject Levy's car.

While stopped and waiting for the turn signal, he saw Subject Levy exit her car and approach his window. Subject Levy said, "You hit my car." He told Subject Levy that he did not know if he hit her. He then asked Witness [redacted] if he knew if he hit her car adding that he did not think he hit her car. Subject Levy told Witness [redacted] that she was the police.

Subject Levy told him that he did in fact hit her car and that there was damage to her car. Witness [redacted] exited his car and looked at Subject Levy's car. He did not see any damage.

Witness [redacted] told her that while they stood on the street, he saw Subject Levy's car driver's door had been left open and southbound oncoming traffic was approaching. He stepped over to the side of Subject Levy's car and closed the door. This made Subject Levy very angry and she said, "Don't touch my fucking car."

Witness [redacted] observed a minor "scuff" on the rear bumper area of Subject Levy's car. She also noted that Witness [redacted] car had numerous scratches and various type of preexisting damage to the front bumper area. She said Witness [redacted] car had so much damage that one would not be able to notice new damage on the front bumper.

Witness [redacted] spoke to Subject Levy about the incident and Subject Levy said she was rear ended by Witness [redacted] as she waited in traffic. Subject Levy said she approached Witness [redacted] due to the fact that he did not exit his car.

Subject Levy approached Witness [redacted] car, and asked him for a driver's license but he said he did not speak English and refused to provide a license.

Subject Levy asked for any identification such as a passport, but Witness [redacted] said he did not speak English and did not provide any documentation.

Witness [redacted] was asked if she questioned Subject Levy about tactical decisions, such as if she considered getting out of the street or calling for help on the telephone.

She said she asked Subject Levy if she tried to call police on the telephone and Subject Levy said she became concerned by the fact that Witness [redacted] would not provide identification to her so she called 911 several times but the calls did not go through.

Subject Levy said that at one point both Witnesses [redacted] and [redacted] exited their car and stood near her. As they stood outside of their car, Witness [redacted] communicated with Witness [redacted] in Farsi. Subject Levy said she understood some of the words in Farsi and heard the word "Bodo," which she was told by Subject Levy that it means "to run."

Subject Levy later suggested that the calls to 911 did not go through, possibly due to her hands free device in her car being activated.

Witness [redacted] said that Witness [redacted] arrived to conduct a traffic collision investigation and contacted the parties involved in the collision. Witness [redacted] car was subsequently impounded due to his suspended driver's license.

Witness [redacted] said Subject Levy was dressed very nice; she wore make up, wedge style shoes and appeared clean. She added that Subject Levy was professional and calm the entire time, during this investigation.

Witness [redacted] said she never asked Subject Levy for any Police Identification, believing Witness [redacted] may have obtained it from her prior to Witness [redacted] arrival.

When Witness [redacted] asked Subject Levy if she hit Witness [redacted] Subject Levy said, "Absolutely not."

Witness [redacted] was asked if any of the LAPD personnel mentioned to her anything about Subject Levy's demeanor during the incident and she said that Witness [redacted] told her that when he initially arrived at the scene, he saw Subject Levy yelling and arguing loudly with Witnesses [redacted] and [redacted]

Witness [redacted] told Witness [redacted] he developed a tactical concern while he contacted the three. He said he had to order Subject Levy to step back and to get back into her car several times during the initial contact.

Witness [redacted] did not see any injuries on Witness [redacted] and he did not complain of any pain as a result of the battery or collision.

[redacted]

Witness [redacted] Police Officer, Los Angeles Police Department, was interviewed on August 12, 2013. The interview took place via telephone and it was audio recorded. The following is a summary of the interview:

Witness [redacted] said he was assigned with his partner, Witness [redacted] on July 12, 2013. They received a message via their mobile digital terminal from their supervisor, Witness [redacted] Witness [redacted] was requesting an additional unit to the Victory Boulevard and De Soto Avenue due to a traffic collision.

They responded and upon their arrival, Witness [redacted] said he was advised by Witness [redacted] that one of the parties involved in the collision was a Sheriff's Deputy, Subject Levy. He also advised them that Witness [redacted] alleged that Subject Levy assaulted one of them.

Witness [redacted] said he did not witness and was not present during any of the interviews conducted by Witness [redacted] and was not aware of any details surrounding the incident. He said he spoke briefly with Witness [redacted] who told him that Subject Levy approached Witness [redacted] and slapped him or pushed him.

Witness [redacted] said he never saw Subject Levy exit her car and did not speak to anyone else during the two hours he spent at the scene.

Witness [redacted] added that Witness [redacted] completed the report and that he read it, assuming that the contents of the report were true and correct.

He concluded by saying that Witness [redacted] mentioned to him that Subject Levy understood some words in Farsi during the initial argument on the street and one of the two men was telling the other to leave or run away.

[redacted]

Witness [redacted] Police Officer, Los Angeles Police Department, Valley Traffic Division, was interviewed on August 1, 2013. The interview took place at LAPD Valley Traffic Division and it was audio recorded. The following is a summary of the interview:

Witness [redacted] said he responded to Victory Boulevard and De Soto Avenue in regards to a traffic collision. Upon his arrival, he contacted Witness [redacted]

He said that Witness [redacted] explained that Witness [redacted] rear-ended Subject Levy. There were no injuries to either of the parties and had the parties exchange information. He was told by Witness [redacted] that Witness [redacted] was alleging that Subject Levy assaulted him. Witness [redacted] advised Witness [redacted] that Subject Levy was an off-duty Sheriff's Deputy.

He said that when he arrived, he heard Witness [redacted] tell Witness [redacted] something to the effect of, "I don't know why she did that. I don't know why she got crazy with me." Witness [redacted] said he did not receive specific information about the battery and did not try to receive any additional information regarding the battery.

Witness [redacted] said he spoke to Witness [redacted] who initially told him that Subject Levy backed into his car in the turning lane. Witness [redacted] later said he did in fact rear-end Subject Levy.

Witness [redacted] said he spoke with Subject Levy, who explained that while in the turning lane, she was hit from behind by Witness [redacted] Subject Levy identified herself as a police officer to Witness [redacted] because he refused to provide her with identification.

Witness [redacted] said he asked Subject Levy for police identification and she provided him with a Sheriff's identification card. He did not remember seeing a flat badge. He described Subject Levy's demeanor as consistently cooperative and communicable.

Witness [redacted] concluded by saying that during the time of this incident, his focus remained on the traffic collision and not on the battery allegation.

[redacted]

Witness [redacted] Sergeant, Los Angeles Police Department, Topanga Station was interviewed on August 21, 2013. The interview took place via telephone and was audio recorded. The following is a summary of the interview:

Witness [redacted] explained that he wrote a Sergeant Daily Report in which he described the incident and the actions he took in handling the incident.

> **IAB Note:** For further details regarding Witness [redacted] Sergeant's Daily Report, refer to **Exhibit E, LAPD Sergeant's Daily Report**.

Witness [redacted] said he was parked on the south east corner of Victory Boulevard and De Soto Avenue on an unrelated matter when he was flagged down by a passerby. He was told that there were people arguing on the street.

He approached the Subject Levy and the [redacted] on foot. As he approached he heard yelling coming from Subject Levy and the [redacted] He noticed that Subject Levy was the loudest one yelling.

Subject Levy walked toward him and met with him near the driver's door of her car, away from the [redacted] who remained between the two involved vehicles. He said Subject Levy identified herself as a Deputy Sheriff from Lennox and was very upset. She informed him that Witness [redacted] did not have a driver's license.

Witness [redacted] said Subject Levy was very loud when she identified herself as a deputy but does not know if the [redacted] heard her identify herself.

Witness [redacted] was asked if the busy intersection was so loud that one would have to yell to be heard and he said it was not.

Upon his approach, Witness [redacted] asked the [redacted] to go inside their car but does not remember if he asked Subject Levy to remain by her car or to go inside her car.

He said that while he spoke to the [redacted] at their car, Subject Levy approached Witness [redacted] yelling and demanding that Witness [redacted] be arrested for driving without a license.

Witness [redacted] said he became somewhat frustrated with Subject Levy's loud demeanor as he told her several times to stay by her car but she continued to approach him, yelling and demanding an arrest.

Witness [redacted] took Subject Levy's driver's license and told her to go back to her car and to stay there.

Witness [redacted] did not ask Subject Levy for Sheriff's identification and took her word that she was a peace officer.

He added that he was more concerned with the two men as they appeared "shady." He said that his only concern with Subject Levy was that she was loud. Witness [redacted] said he believed she was loud because she was upset that her car was damaged.

Witness [redacted] admitted that as Subject Levy yelled and demanded an arrest, he took a very nonchalant approach to her demand to arrest Witness [redacted] for driving without a license. He said his concern was more from an officer safety and tactical standpoint.

Witness [redacted] said Subject Levy advised him that the [redacted] had tried to leave the scene.

Witness [redacted] was asked if he noticed any damage to Subject Levy's car and he said he saw a 1/8 of an inch scratch to the rear bumper which looked fresh.

Witness [redacted] said Witness [redacted] made the battery allegation after Subject Levy approached Witness [redacted] as he spoke to the [redacted] at their car.

Witness [redacted] said that after Subject Levy demanded an arrest from Witness [redacted] she yelled out that she was a Deputy Sheriff. At this point the [redacted] made eye contact with one another and Witness [redacted] made the allegation of battery.

Witness [redacted] had the [redacted] and Subject Levy pull over to the side of the street and away from traffic. There he told Subject Levy of the battery allegation and she told him she "did not do it."

Witness [redacted] was asked if Subject Levy ever mentioned that one of the [redacted] brushed up against her or touched her inappropriately and he said she did not.

He was asked if Subject Levy mentioned to him that the [redacted] were in her personal space and he said she did not.

Witness [redacted] said he requested a patrol unit to the scene in order to conduct a battery investigation, at which time Witnesses [redacted] and [redacted] arrived.

Witness [redacted] was not present during any interviews conducted by Witnesses [redacted], [redacted] or [redacted]. Witness [redacted] remained at the scene until Sergeant Connely arrived on scene.

SUBJECT INTERVIEW:

Rachel Levy:

Subject Rachel Levy, Deputy #[redacted], South Los Angeles Sheriff's Station, was interviewed on August 21, 2013 by Sergeants Jose J. Garcia and Mark Lopez of the Internal Affairs Bureau. Subject Levy was represented by Mitch Kander from the law office of Green & Shinee. The interview took place at the Internal Affairs Bureau and was audio recorded. The following is a summary of the interview:

Subject Levy said that on the day of the incident, she was off from work and was driving to a shopping mall.

She said she was traveling north on De soto Avenue, approaching Victory Boulevard and drove onto the left (West) turning lane at Victory Boulevard. She saw that she was approximately the fifth or sixth car in a line if vehicles waiting to turn left.

Subject Levy said that this intersection was very busy at that time with three lanes of northbound traffic to her right and three lanes of traffic traveling southbound on her left.

As she sat in her car, she looked in her rear view mirror and saw a car approaching her at a high rate of speed. She described the speed of the car as so fast that she did not believe it would be able to stop without colliding with her.

She was asked if she had time to brace herself for the collision and she said she did not because it happened so fast. She said the vehicle collided with hers and she felt a powerful jolt. She believed the collision was harder than it ended up being. She said she realized she was okay, but became concerned for the vehicle behind her and its occupants as she believed they may be injured. She looked in her rear view mirror and noticed that there were two males in the vehicle behind her.

She saw that the passenger of the vehicle (Witness [redacted] appeared to be yelling at the driver (Witness [redacted] and motioning to leave or drive way.

She saw that Witness [redacted] was sticking his head out of his window as if to check for traffic.

She said that at this point she believed the two men were going to flee the scene of the accident. She exited her car and saw Witness [redacted] reverse his car several feet. She also heard the two males speaking Farsi. She heard Witness [redacted] say, "Bodo bodo" to Witness [redacted] She recognized this Farsi word as meaning, to hurry.

Subject Levy explained that she has grown up with friends who speak Farsi and has learned much of the language that way.

> **IAB Note:** The word "Bodo" and its meaning was discussed with Ms. Gharib. The word "Bodo" translates to "run" or "let's go."

Subject Levy said she took two photographs of Witness [redacted] car's license plate. She said she positioned herself near the left rear quarter panel of her car and Witness [redacted] car was approximately eight to ten feet from her car.

Witness [redacted] exited his car and approached her. Witness [redacted] also exited the car and approached her.

Subject Levy asked Witness [redacted] "Are you okay?" and he responded, "No English, no English."

Witness [redacted] approached Subject Levy and placed his hand on her shoulder as he said, "Honey look, no damage. You go I go and forget." She told him she would not forget and asked Witness [redacted] for a driver's license.

Subject Levy said she continued to try to obtain some sort of identification from Witness [redacted] but he said he had none and did not provide her with any information, not even his name.

At this point she told Witness [redacted] that she was calling 911. She called several times but could not get through to the 911 operator. She said that at the time, she did not realize that her cellular telephone was linked or activated to her vehicle's hands free device.

She was asked if she checked her cellular telephone statement for the calls made to 911 and she said she checked but did not see the calls she made in the log.

She said that in order for the calls to log in the statement, the call would have to connect and in this case, she kept dialing and hanging up before it connected, which is why there is no record of the calls. She said she kept hanging up because she believed her telephone was not dialing 911 and did not know why at the time.

As she spoke to the [redacted] she saw Witness [redacted] walk to her car's open driver's door and look inside her car. He then walked back toward her and as he passed by her he brushed up or touched her buttock in an inappropriate manner. She said it felt as though he touched her with his hand.

She said she lifted her hand toward Witness [redacted] and said to him, "No touch." She simultaneously "put her hand up and was so close to him that it may have very well touched him."

She described Witness [redacted] as standing very close and inside her personal space. She said she could smell his "nasty cigarette breath" and that it was "horrible."

> <u>**IAB Note:**</u> The following is an excerpt from Subject Levy's interview on August 21, 2013, beginning on **Page 25, ending on Page 26.**

Garcia: And did you physically assault Mr. [redacted]?

Levy: Never.

Garcia: Did you slap him?

Levy: No.

Garcia: On his face? With your palm?

Levy: No.

Garcia: Did you push him? I know you mentioned that you may have touched him.

Levy: Yes.

Garcia: Sort of to keep his distance.

Kander: I don't know if she said that she touched him.

Garcia: She said she may. She said she possibly or something to that effect. Am I correct?

Levy: It's, it's quite a possibility.

Garcia: And that's fine. I mean, everything is possible. However, I just want to clarify what you said. And I know that it was something along the lines of she may have or she possibly touched him.

Kander: But she's not sure.

Garcia: But she's not sure, but you clarify for me, please, what you mean by that?

Levy: Well, like I said, when I, when I felt him, when I felt him touch me, again, whether it was intentional or unintentional, I don't know. But when I felt that, it made me increasingly uncomfortable because I was already uncomfortable with, you know how it is with personal space, especially being a Deputy. Your personal space really, you, you just want to be able to get that distance. And with them, I could never gain that distance. Every time I backed up, they got closer. Every time I backed up, they got closer. So when I put, when I felt him touch me, and then he got, he kind of rounded this corner because he was coming from my passenger, I mean, my driver door, so when he rounded this, where we were here, and after…

Garcia: Between the cars?

Levy: …and after he touched me, I raised my hand, and I said, stop, no touch. And I could have touched him.

Garcia: Did he comply with that request?

Levy: No.

Garcia: Did he continue….

Levy: As soon as my hand went down, there he was again.

Subject Levy was asked to describe how Witness [redacted] walked behind her in order to brush up against her buttock with his hand.

She explained that she stood between the two cars and she was facing south west, toward Witness [redacted] car and southbound traffic.

Witness [redacted] was standing to her left in front of Witness [redacted] car and Witness [redacted] was to the right, coming from her open car door. She could see the two men with her peripheral vision. Witness [redacted] walked between her and the south bound traffic.

Subject Levy was asked several times, how Witness [redacted] was able to walk behind her and she said he never walked behind her as she had to keep a visual of him.

Subject Levy's explanation places Witness [redacted] walking in front and to the right of her when he brushed up against her buttocks.

Subject Levy was asked if she thought Witness [redacted] touching her was inappropriate, at the time of the incident or if it was an afterthought. She said it was not an afterthought. She believed it was inappropriate at the time but gave him the benefit of the doubt because the space they stood in was narrow and they stood so close to one another.

Subject Levy was asked if she noticed any damage to her vehicle when she stepped out of her car and she said it did not occur to her to check for damage to her vehicle and added that she never looked at her car for damage. She was asked if she noticed any damage on Witness [redacted] car and she said there was heavy damage to his car but it appeared to be preexisting damage.

She was asked if she did not instinctively look for damage to her vehicle and she said she did not look until later that afternoon. She said she was not concerned with her car and did not care about any damage. She added that her car had no preexisting damage.

Subject Levy was asked if she saw any skid marks created by Witness [redacted] vehicle in an attempt to avoid the collision and she said she did not notice any.

Subject Levy was asked how old her car was since it looked brand new and had paper dealership plates. She said she bought it a year ago in August of 2012 and that it is a brand new 2013 Kia.

Subject Levy was asked what was she trying to gain from obtaining Witness [redacted] license and she said that all she wanted to do was to exchange information due to the collision.

She was asked if she had checked for any damage to her car and she said she still had not checked for damage to her car.

Subject Levy said that the [redacted] offered to fix her car in a local shop and she refused to have them fix her car. She said all she wanted was Witness [redacted] identification. She said the [redacted] never asked her for identification.

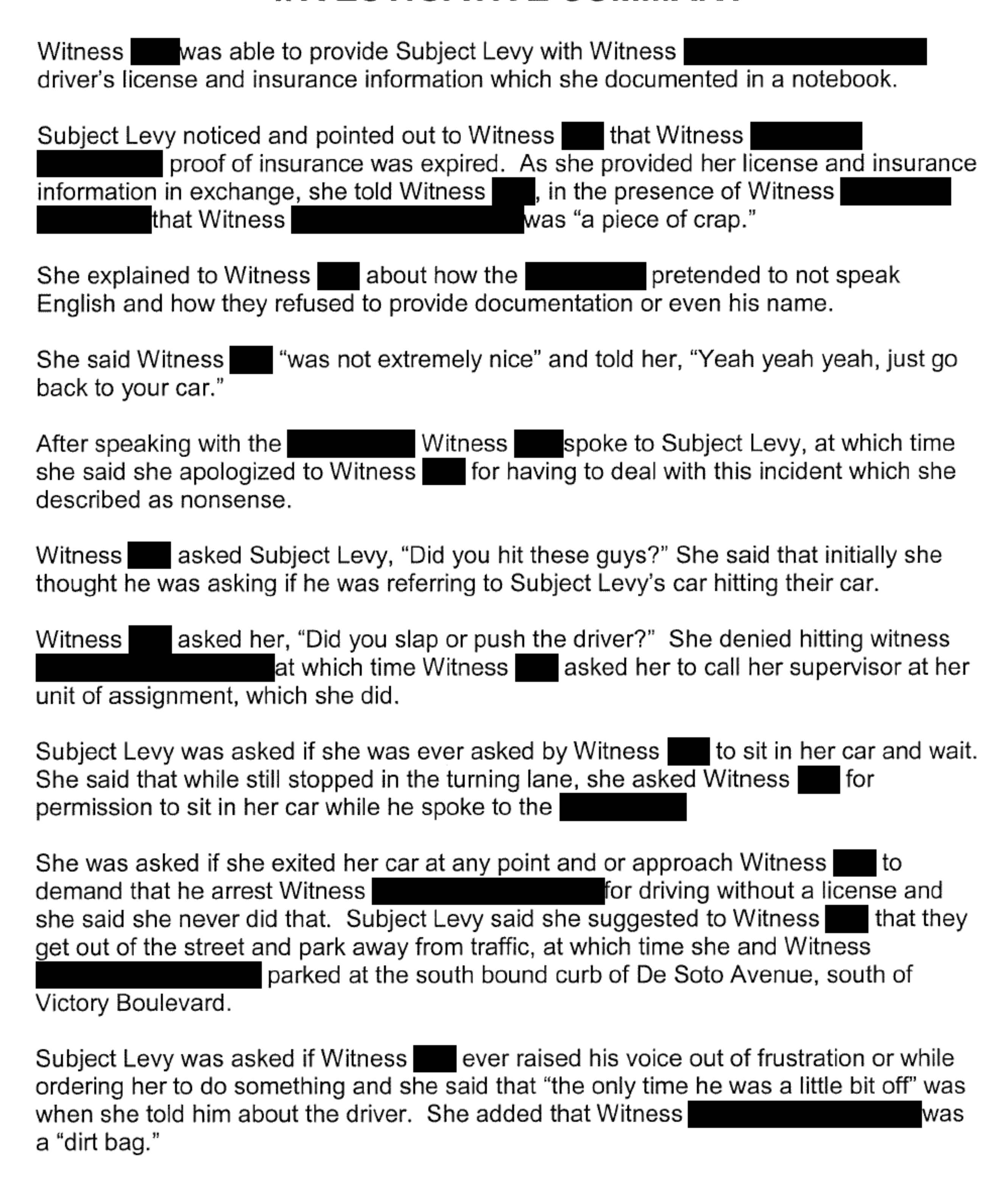
Subject Levy was asked if she was concerned for her safety as she confronted two men by herself and she said that she was in a public place and that if she would have been attacked, she believed someone would have seen it.

Approximately five to ten minutes later, she noticed a Police Sergeant from the Los Angeles Police Department (Witness [redacted]) approached them on foot from the north.

Witness [redacted] yelled and asked them if they were alright. She approached him and met with him near the front of her car and away from the [redacted] She said she faced north as she spoke to Witness [redacted] away from the [redacted] She told Witness [redacted] that she was an off-duty Deputy and that Witness [redacted] was not cooperating with her and refused to exchange information with her.

Later in the interview, Subject Levy said that she identified herself as a peace officer to Witness [redacted] in the presence of the [redacted] She said that Witness [redacted] asked her, "Oh, you officer?" She then realized that Witness [redacted] spoke English.

Subject Levy said she was never ordered to stand by as Witness [redacted] spoke to the [redacted] and that she stood near the back of her car. She said she could hear the conversation between Witness [redacted] and the [redacted].



Witness [redacted] was able to provide Subject Levy with Witness [redacted] driver's license and insurance information which she documented in a notebook.

Subject Levy noticed and pointed out to Witness [redacted] that Witness [redacted] proof of insurance was expired. As she provided her license and insurance information in exchange, she told Witness [redacted], in the presence of Witness [redacted] that Witness [redacted] was "a piece of crap."

She explained to Witness [redacted] about how the [redacted] pretended to not speak English and how they refused to provide documentation or even his name.

She said Witness [redacted] "was not extremely nice" and told her, "Yeah yeah yeah, just go back to your car."

After speaking with the [redacted] Witness [redacted] spoke to Subject Levy, at which time she said she apologized to Witness [redacted] for having to deal with this incident which she described as nonsense.

Witness [redacted] asked Subject Levy, "Did you hit these guys?" She said that initially she thought he was asking if he was referring to Subject Levy's car hitting their car.

Witness [redacted] asked her, "Did you slap or push the driver?" She denied hitting witness [redacted] at which time Witness [redacted] asked her to call her supervisor at her unit of assignment, which she did.

Subject Levy was asked if she was ever asked by Witness [redacted] to sit in her car and wait. She said that while still stopped in the turning lane, she asked Witness [redacted] for permission to sit in her car while he spoke to the [redacted]

She was asked if she exited her car at any point and or approach Witness [redacted] to demand that he arrest Witness [redacted] for driving without a license and she said she never did that. Subject Levy said she suggested to Witness [redacted] that they get out of the street and park away from traffic, at which time she and Witness [redacted] parked at the south bound curb of De Soto Avenue, south of Victory Boulevard.

Subject Levy was asked if Witness [redacted] ever raised his voice out of frustration or while ordering her to do something and she said that "the only time he was a little bit off" was when she told him about the driver. She added that Witness [redacted] was a "dirt bag."

IAB Note: The following is an excerpt from Subject Levy's transcribed interview on August 21, 2013, beginning on Page 40 ending on Page 41.

Garcia: And when Sergeant [redacted], when he was raising his voice, you're saying that he was raising his voice because of the traffic?

Levy: Yes.

Garcia: Did he ever raise his voice out of maybe, you know, ordering you to do something or frustration or something to that effect? That you know?

Levy: No. The only time that he was a little bit off was when I said to him, you know, about the driver. I was like, you know, about this guy. Basically, he was a dirt bag. You know, I mean…

Garcia: Right.

Levy: …and I…maybe, you know, maybe I shouldn't have said that. But I did. You know, I don't think it's anything bad. But I just said exactly what the truth was, which is, at that point, you know, we'd been standing out there doing this dance, you know, with them pretending like they don't speak English, all this nonsense. You know, and then I, when I went back, I did say, I did express that frustration to Sergeant [redacted]. And that's when he said yeah, yeah, just go back to your car, or just go over there. But that was it. And I never had any contact with Sergeant [redacted] at all after that. When I sat in my car for three hours, nobody spoke to me. And I didn't speak to anyone else.

Garcia: Did you ever notice Sergeant [redacted] raise his voice toward the [redacted]?

Levy: I didn't notice that, no.

Witness [redacted] did not ask Subject Levy for Sheriff's identification.

Subject Levy said she sat in her car and did not speak to anyone else after that until a traffic officer from LAPD (Witness [redacted]) arrived and spoke to her. She said Witness [redacted] initial told her that the [redacted] alleged that she backed her car into their car. The [redacted] then changed their story back to their car hitting Subject Levy's car from behind.

Subject Levy said she never heard Witness [redacted] tell Witness [redacted] that she struck him. She said she overheard Witness [redacted] tell Witness [redacted] that she pushed Witness [redacted]

She said she looked at Witness [redacted] and began to laugh because it was "laughable." She then walked away and did not know what was said after that. Later that afternoon Witness [redacted] arrived and spoke to Subject Levy.

Subject Levy was asked if Witness [redacted] asked her if she struck Witness [redacted] and she said Witness [redacted] never asked her that. She added that no one ever spoke to her.

Subject Levy said that Witness [redacted] arrived and spoke to her at Subject Levy's open car window. She said witness [redacted] apologized to Subject Levy for having to take the report and that she told Witness [redacted] that she understood, that she was just doing her job.

Subject Levy said that Witness [redacted] asked her to tell her what happened, which she did. After Subject Levy explained her side of the story Witness [redacted] said that her version is consistent with the [redacted] story except for the allegation that Subject Levy hit Witness [redacted] Subject Levy said, "Yeah, I gather that much." Witness [redacted] said, "Yeah, it's ridiculous."

Subject Levy was asked if Witness [redacted] asked her if she (Subject Levy) hit Witness [redacted] and she said Witness [redacted] never asked her that.

Subject Levy added that no one ever asked her to give her side of the story. Witness [redacted] walked away and Subject Levy waited in her car until Sergeant Connely arrived.

When Sergeant Connely arrived, she saw that he spoke to the [redacted] first and video recorded the contacts. Sergeant Connely then spoke to her. She said that she told him about the incident but did not go into detail with him.

Subject Levy was asked if she ever mentioned to Witness [redacted] about Witness [redacted] brushing up against her buttock and she said she may have mentioned it to her.

She was asked if she thought it was important to mention that she was touched inappropriately, given the nature of the allegation and she said no.

She was asked if she understood that LAPD was conducting an assault investigation and she said she did not know. She said she had no idea that an assault investigation was being conducted. She added that at no time did she believe LAPD was taking this seriously.

She was asked if she thought LAPD was going to write a battery report and she said, she did not and did not believe anyone was taking the allegation seriously.
Subject Levy said, "Why would they write a report?"

Subject Levy was asked why she believed that LAPD should not take the allegation seriously and she explained that given the facts of the incident, any peace officer with experience would have no reason to believe that a woman would charge at two males. She said this made no sense and described it as ridiculous. She said she believed the only documentation made by LAPD would have been a traffic report, but they did not do that. Instead they provided an exchange of information form to her as it pertained to the traffic collision.

Subject Levy was presented with the possibility LAPD officers may have believed the battery allegation to be a lie. She was then asked if she thought that they would still be obligated to document the allegation and she said no.

> **IAB Note:** The following is an excerpt from Subject Levy's transcribed interview on august 21, 2013, beginning on **Page 47, ending on Page 49**.

Lopez: Did you know they were conducting an assault investigation?

Levy: No. I honestly had, had no idea. I mean, you know, frequently in our experience, I'm sure you've run across it more than I have, but frequently in our experience, you come to a scene and you come to a scene where people are making loony allegations against one another. And you just, you're just like, oh, okay, okay. Because you know it's nonsense. And I figured, I didn't…I never at one point thought they were actually taking this seriously. Like I never believed that. I sat in my car and that's the reason I didn't want to interfere with anybody's dealings. I didn't. You know what I mean? That's the reason I sat in the car and didn't move, because I didn't want anybody to say, oh, she got out of her car. She was…I didn't want any of that. I sat in my car and did what I thought was the right thing to do. And….

Garcia: So you didn't think that they were going to write a battery report?

Levy: No. I didn't think anybody was taking this seriously.

Garcia: Why?

Levy: Why would they write a report?

Garcia: Why did you think that they wouldn't take it seriously?

Levy: Because it was…it's ludicrous.

Garcia: But to you, but why do you think that they would not take it seriously? What would be that reason?

Levy: Because anybody with some experience, with any experience, given the facts of the situation and of course these officers knew more than I knew at that point, right, because they knew at that point he was an unlicensed driver. He admitted to them. I mean, not licensed, but had a suspended license. He admitted to them that he wasn't…did not want to cooperate with me. According to Officer [redacted] she said that he admitted that I kept asking him for his information and he didn't wanna do it. So I didn't think they were taking him seriously. Why would they take a battery report? You have no reason to believe that a woman would, would charge at two males. It, it makes no sense. Especially that I was holding a phone in my hand. Especially that I was wearing high heels. I mean, here I am, I'm starting a fight in the middle of the street? It makes no sense. And so as somebody, as somebody with the experience, and you know, Officer [redacted] looked like she had some time on, clearly, Sergeant [redacted] had some time on. I mean, you would think that nobody was gonna take any of this seriously. Like this is ridiculous. That's what I thought they were saying to each other.

Garcia: Did you…did it occur to you that even though, okay, maybe if they agreed that it was probably a lie, do you think that it would be documented as a battery or something?

Levy: No.

Garcia: So did you think that they were just going to blow off the statement that he, that he said that you hit him?

Levy: Yeah.

Subject Levy was asked if her opinion changed when she saw Sergeant Connely arrive and begin to video record interviews or contacts. In addition, she was reminded how the Sheriff's Department documents and takes these incidents very seriously. She was asked if at the very least, she thought our department would take this seriously and she said, "No."

Subject Levy was asked if she were to be faced with this incident again, what would she do differently and she said she would do nothing differently. She added that she did what any cooperative, law abiding person would have done. She said she was courteous and professional throughout the incident. She said she has replayed the incident in her head numerous times and thought of where this incident could have gone wrong and she could not think of a single thing that went wrong.

IAB Note: For further detail regarding the two photographs subject Levy took at the scene, refer to **Exhibit F, Two photographs.**



Leroy D. Baca, Sheriff

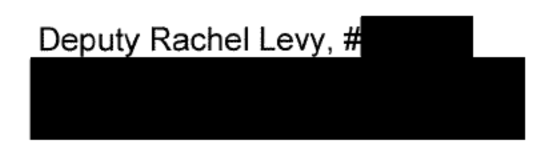
County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 30, 2013



Deputy Rachel Levy, #[redacted]

Dear Deputy Levy:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business October 22, 2013.

An investigation under IAB File Number IV2337748, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections, 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders [as it pertains to 242 C.P.C., Battery]; and/or 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.85, Derogatory Language, on or about July 12, 2013, while off-duty, you failed to act honorably and with integrity as you treated [redacted] in a disrespectful manner and without dignity when you directed coarse and profane language at him after his vehicle collided into your vehicle. You were named as a suspect in a Los Angeles Police Department Battery report, DR#1321-12649, after allegedly striking [redacted] face with your hand and pushing him in the chest with your hand(s) in violation of the law. Your conduct was not in conformance with the Department's Core Values and caused undue embarrassment to the Department and/or damaged the reputation of the Department and brought discredit upon yourself and/or the Department as evidenced by, but not limited to:

a. identifying yourself as a peace officer to [redacted] when you were previously relieved of your peace officer authority due to a pending administrative investigation listed under IAB [redacted] and/or,

b. engaging in a verbal argument with, and/or yelling at [redacted] while in the middle of the street after being involved in a traffic collision; and/or,

c. stating "shut the fuck up," when addressing [redacted] and/or words to that effect; and/or,

d. admitting that while in the presence of Los Angeles Police Department Sergeant [redacted] and [redacted] you called [redacted] a "piece of crap," and/or words to that effect; and/or,

e. being ordered by Los Angeles Police Department Sergeant [redacted] to return to your vehicle because you were loud, demanding that he arrest [redacted] and interjecting yourself into his attempts to obtain statements from the other parties.

Upon being relieved of duty, sworn personnel are prohibited from all law enforcement authority until reinstatement to peace officer status.

2. That in violation of Manual of Policy and Procedures Section, 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about July 12, 2013, you failed to make complete, and/or truthful statements, and/or made false statements during an internal interview as evidenced by, but not limited to:

a. denying that you hit [redacted] in the face, and/or push [redacted] in the chest; and/or,

b. alleging during your internal interview that [redacted] touched you inappropriately while you stood at the scene of the traffic collision; and/or,

c. stating you could have touched [redacted] when you raised your hand toward his person and/or words to that effect; and/or,

d. stating that you did not use profanity during your interaction with [redacted] and/or,

e. denying you approached Los Angeles Police Sergeant [redacted] and demanded that he arrest [redacted]

3. That in violation of Manual of Policy and Procedures Section 3-01/030.37, Unnecessary Interference; and/or 3-01/030.05, General Behavior, on or about July 12, 2013, you knowingly interfered and/or unnecessarily interjected yourself beyond the scope of your responsibilities while off-duty when you demanded and insisted that Los Angeles Police Department Sergeant [redacted] arrest [redacted] You were overbearing, insistent, and loud as you attempted to address your concerns with the Los Angeles Police Department officer's investigation causing Los Angeles Police Department Sergeant [redacted] to raise his voice toward you and order you to go back into your vehicle.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Kevin Goran, on October 22, 2013, at 1000 hours, in his office, which is located at 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to October 22, 2013, for your oral response, please call Chief Goran's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Goran's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Goran's office by no later than October 22, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:PMP:cj

c: Advocacy Unit
Employee Relations Unit
Chief Kevin A. Goran, Central Patrol Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2337748)

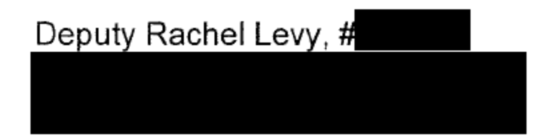


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

October 23, 2013



Deputy Rachel Levy, #[redacted]
[redacted]

Dear Deputy Levy:

On September 30, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2337748. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on October 22, 2013.

An investigation under File Number IAB 2337748, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections, 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders [as it pertains to 242 C.P.C., Battery]; and/or 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.85, Derogatory Language, on or about July 12, 2013, while off-duty, you failed to act honorably and with integrity as you treated [redacted] in a disrespectful manner and without dignity when you directed coarse and profane language at him after his vehicle collided into your vehicle. You were

named as a suspect in a Los Angeles Police Department Battery report, DR#1321-12649, after allegedly striking [redacted] face with your hand and pushing him in the chest with your hand(s) in violation of the law. Your conduct was not in conformance with the Department's Core Values and caused undue embarrassment to the Department and/or damaged the reputation of the Department and brought discredit upon yourself and/or the Department as evidenced by, but not limited to:

a. identifying yourself as a peace officer to [redacted] when you were previously relieved of your peace officer authority due to a pending administrative investigation listed under IAB [redacted] and/or,

b. engaging in a verbal argument with, and/or yelling at [redacted] while in the middle of the street after being involved in a traffic collision; and/or,

c. stating "shut the fuck up," when addressing [redacted] and/or words to that effect; and/or,

d. admitting that while in the presence of Los Angeles Police Department Sergeant [redacted] and [redacted] you called [redacted] a "piece of crap," and/or words to that effect; and/or,

e. being ordered by Los Angeles Police Department Sergeant [redacted] to return to your vehicle because you were loud, demanding that he arrest [redacted] and interjecting yourself into his attempts to obtain statements from the other parties.

Upon being relieved of duty, sworn personnel are prohibited from all law enforcement authority until reinstatement to peace officer status.

2. That in violation of Manual of Policy and Procedures Section, 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about July 12, 2013, you failed to make complete, and/or truthful statements, and/or made false statements during an internal interview as evidenced by, but not limited to:

a. denying that you hit [redacted] in the face, and/or push [redacted] in the chest; and/or,

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c. stating you could have touched [redacted] when you raised your hand toward his person and/or words to that effect; and/or,

d. stating that you did not use profanity during your interaction with [redacted] and/or,

e. denying you approached Los Angeles Police Sergeant [redacted] and demanded that he arrest [redacted]

3. That in violation of Manual of Policy and Procedures Section 3-01/030.37, Unnecessary Interference; and/or 3-01/030.05, General Behavior, on or about July 12, 2013, you knowingly interfered and/or unnecessarily interjected yourself beyond the scope of your responsibilities while off-duty when you demanded and insisted that Los Angeles Police Department Sergeant [redacted] arrest [redacted] You were overbearing, insistent, and loud as you attempted to address your concerns with the Los Angeles Police Department officer's investigation causing Los Angeles Police Department Sergeant [redacted] to raise his voice toward you and order you to go back into your vehicle.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

KEVIN A. GORAN, CHIEF
CENTRAL PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

KAG:AEA:jp

c: Advocacy Unit
Kevin A. Goran, Chief, Central Patrol Division
Eliezer Vera, Captain, South Los Angeles Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Judy A. Gerhardt, Captain, Personnel Administration
Doreen Garcia